

REMARKS/ARGUMENTS:

Claims 1-85 were rejected in a final office action dated January 3, 2007, which asserted multiple grounds for various claims which are summarized below as grounds 1 through 5 for the specified claims. The below summary also presents the decision of the Board on appeal.

Grounds of rejection 1: anticipation under 35 USC 102(e) in view of Bahratia. On appeal the Board reversed all anticipation rejections under 35 USC 102(e) in view of Bahratia (US Publ. 2001/0031635) and so this paper does not consider that rejection further.

Grounds of rejection 2: obviousness over Pepe and Rune. On appeal the Board sustained the obviousness rejection under 35 USC 103(a) as to claims 1-31 and 34-85 in view of Pepe (US 5,742,668) with Rune (US 6,611,685).

Grounds of rejection 3: obviousness over Pepe and Hoffman. On appeal the Board further sustained the obviousness rejection to dependent claims 32-33 in view of Pepe with Hoffman (US 6,148,199).

Grounds of rejection 4: obviousness over Lahtinen and Aktar. On appeal the Board did not reach the additional obvious rejection of claims 1, 34,37, 68 and 78 in view of Lahtinen (US 6,745,029) with Aktar (US 6,769,000), since the obviousness rejection as to all claims under grounds 2 and 3 above was sustained. This rejection is set forth only in the final office action.

Grounds of rejection 5: obviousness over Hoffman and Roy. On appeal the Board did not reach the additional obvious rejection of claims 1, 34,37, 68 and 78 in view of Hoffman with Roy (US 6,947,432), since the obviousness rejection as to all claims under grounds 2 and 3 above was sustained. This rejection is set forth only in the final office action.

Summary of Amendments:

Independent claim 1 as amended herein recites as follows, with parentheticals added to indicate support in the published application (US 2001/0049790):

A method, comprising:
sending, from a visited network comprising at least one server (Figure 1) to a home network, an identification of a subscriber and a requested level or

type of access to be provided to the subscriber (§“diversity of the types or levels of access which may be requested”);

in response to the sending, storing in the visited network a selected subscriber profile selected from of a plurality of subscriber profiles for the subscriber, in which the selected subscriber profile comprises an authorization for an authorized level or type of access (§0027: “plurality of selectable subscriber profiles defining an authorized level or type of access; also §0030 profiles are for a subscriber); and

the visiting network controlling access of the subscriber to services provided through the visited network (§0030: bandwidth, security, supplemental services) dependent upon a comparison of the requested level or type of access and the authorized level or type of access in the stored selected subscriber profile

New independent claim 87 recites similar elements as claim 1 but is directed to the visited network as apparatus. The claim 87 recitation of “at least one server” is disclosed most concisely at Figure 1 of the published application US 2001/0049790 (proxy server gatekeeper and domain name server DNS for networks 14 and 16; and s-CSCF and DNS for network 12). New dependent claims 88-89 depend from respective claims 87 and 1, and recite the requested level or type of access is sent to the home network as an access type indicator, support lying at §0038.

Means plus function claim 85 is amended to more closely match elements recited at claim 87, and new dependent claim 86 recites the ‘means’ elements of claim 85 comprise at least one processor.

New independent claim 90 recites similarly but from the perspective of the home network, and includes the further recitation of “each subscriber profile indicating a different type or level of access for which the given subscriber is authorized”, support lying most concisely at §§0027 and 0030 as noted above for claim 1. New independent claim 92 recites similar elements as claim 88 but is directed to the home network as apparatus. Support for the claim 92 recitation of “at least one server” is also most concisely shown at Figure 1 of the published application US 2001/0049790 (storage and HSS at network 10). New dependent claims 91 and 93 recite the access type indicator noted above for claims 88-89, and new dependent claims 94-96 recite similar to claims 7-9 for the home network.

No new matter is added by any amendment made herein.

Respecting grounds of rejection 2. In sustaining the obviousness rejection of claims 1-31 and 34-85 in view of Pepe and Rune, the Board took claim 1 as exemplary (page 3, 9 and 12 of the Decision dated September 28, 2010) and noted at page 12 that claims 2-31 and 34-85 were not separately argued. Thus the rejection of all claims which was upheld on appeal rested only on the Pepe/Rune combination as applied only to claim 1.

One salient difference as between claim 1 as amended herein and as rejected on appeal is that claim 1 now recites that for a single subscriber there is “a selected subscriber profile selected from of a plurality of subscriber profiles for the subscriber, in which the selected subscriber profile comprises an authorization for an authorized level or type of access”. Neither Pepe nor Rune provide for the option that one subscriber may have multiple profiles in the home network, characterized further at claims 90 and 92 in that different ones of those profiles authorize different levels of types of access.

Previous claim 1 sought to make a similar distinction with the language: “authorized access of a plurality of authorized accesses”. Upon review of the prosecution file and subsequent appeal, it appears though it is not explicitly stated that the Examiner and the Board considered that the subscriber profile provided in Pepe from the home network to the visiting network provide for service features (e.g., call forwarding and call restriction at col. 2 line 25 of Pepe), and providing the profile listing ALL authorized service features to the visiting network in Pepe was not excluded by the former claim 1 language “authorized access of a plurality of authorized accesses”. That is, if Pepe’s subscriber profile authorized services A, B and C while the visiting network requested service C for the subscriber, it appears the former rejections considered that the former claim 1 language would not exclude reading on the home network providing the full profile which shows all the services A, B and C for which the subscriber is authorized.

Claim 1 as amended herein excludes the example immediately above in its recitation of multiple subscriber profiles for the (singular) subscriber, and neither Pepe nor Rune disclose or suggest similar. Independent claim 87 is directed to the visited network and recites similarly. Dependent claims 4-9 specify different instances of what is the authorized level or type of access. Neither Pepe nor Rune disclose or suggest any of the three instances specifically recited in those claims.

Independent claims 90 and 92 recite a similar distinction noted above for claim 1, and a further distinction that “each subscriber profile indicating a different type or level of access for which the given subscriber is authorized”. This is over and above the claim 1 multiple subscriber profiles in that it specifies a particular manner in which these profiles are distinguished from one another. Neither Pepe nor Rune disclose or suggest this additional claim element.

Respecting grounds of rejection 3. On appeal the Board sustained the obviousness rejection to dependent claims 32-33 in view of Pepe with Hoffman by concluding at page 12 (Decision dated September 28, 2009) that: “Appellants fail to make any separate arguments for claims 32 and 33.” As such, the rejection to all claims sustained by the Board turned only on claim 1 with respect to only Pepe and Rune, and so this rejection is overcome as set forth above with respect to grounds of rejection 2.


Respecting grounds of rejection 4. Neither Lahtinen nor Aktar, individually or combined, disclose or suggest that one subscriber may have multiple profiles in the home network, nor that such multiple profiles are characterized in that different ones of those profiles authorize different levels of types of access. This distinction was argued above for grounds of rejection 2, and the same distinction for the independent claims holds over the Lahtinen/Aktar combination.

Respecting grounds of rejection 5. For reasons set forth above under grounds of rejection 2 and 4, each independent claim presented herein distinguishes over Hoffman and Roy, alone or in combination, since neither of those references cure the above deficiencies of Pepe, Rune, Lahtinen and/or Aktar.

All claims presented herein patentably distinguish over all references of record, individually or in any of various combinations. The Applicants respectfully request the Examiner to withdraw all outstanding rejections and to pass claims 1, 4-16, 32-33 and 85-96 to issue.

Please note a new customer number and attorney docket number at page 1 of this paper, and a new correspondence address underneath the signature line below. The undersigned registered representative hereby asserts that the Applicants have granted authority to the firm Harrington & Smith, Attorneys at Law, LLC, to act on the Applicants' behalf before the US Patent Office in this application. Such assertion is sufficient under 37 CFR 1.34 and MPEP 402 for entry of this paper.

Respectfully submitted:


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